

CHAPTER NO. 788

HOUSE BILL NO. 3101

By Representative McMillan

Substituted for: Senate Bill No. 2674

By Senator Cohen

AN ACT to amend Tennessee Code Annotated, Title 36, Chapter 3, Part 6, relative to domestic abuse.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by adding the following as a new section:
Section 36-3-624.

(a) A county may establish an interagency domestic abuse death review team to assist local agencies in identifying and reviewing domestic abuse deaths, including homicides and suicides, and facilitating communication among the various agencies involved in domestic abuse cases.

(b) For purposes of this section, "domestic abuse" has the meaning set forth in Section 36-3-601 of the Tennessee Code Annotated.

(c) A county may develop a protocol that may be used as a guideline to assist coroners and other persons who perform autopsies on domestic abuse victims in the identification of domestic abuse, in the determination of whether domestic abuse contributed to death or whether domestic abuse had occurred prior to death but was not the actual cause of death, and in the proper written reporting procedures for domestic abuse, including the designation of the cause and mode of death.

(d) County domestic abuse death review teams may be comprised of, but not limited to, the following:

- (1) Experts in the field of forensic pathology;
- (2) Medical personnel with expertise in domestic violence abuse;
- (3) Coroners and medical examiners;
- (4) Criminologists;
- (5) District attorneys and city attorneys;
- (6) Domestic abuse shelter staff;
- (7) Legal aid attorneys who represent victims of abuse;

(8) A representative of the local bar association;

(9) Law enforcement personnel;

(10) Representatives of local agencies that are involved with domestic abuse reporting;

(11) County health department staff who deal with domestic abuse victims' health issues;

(12) Representatives of local child abuse agencies;

(13) Local professional associations of persons described in paragraphs (1) to (10), inclusive.

(e) An oral or written communication or a document shared within or produced by a domestic abuse death review team related to a domestic abuse death is confidential and not subject to disclosure or discoverable by a third party. An oral or written communication or a document provided by a third party to a domestic abuse death review team is confidential and not subject to disclosure or discoverable by a third party. Notwithstanding the foregoing, recommendations of a domestic abuse death review team upon the completion of a review may be disclosed at the discretion of a majority of the members of a domestic abuse death review team.

(f) To complete a review of a domestic abuse death, whether confirmed or suspected, each domestic abuse death team shall have access to, and subpoena power to obtain, all records of any nature maintained by any public or private entity that may pertain to a death being investigated by the team including, but not limited to, police investigations and reports, medical examiner investigative data and reports and social service agency records, as well as medical records maintained by a private health care provider or a health care agency. Any entity or individual providing such information to the local team shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed for such action.

(g) To complete a review of a domestic abuse death, whether confirmed or suspected, each domestic abuse death review team shall have access to and subpoena power to obtain all records of any nature maintained by any public or private entity which pertain to a death being investigated by the team. Such records include, but are not limited to, police investigations and reports, medical examiner investigative data and reports, and social service agency reports, as well as medical records maintained by a private health care provider or health care agency. Any entity or individual providing such information to the local team shall not be held liable for providing the information.

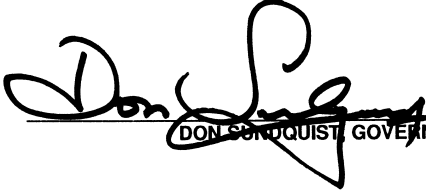
SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 11, 2000


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 22nd day of May 2000


DON SUNDQUIST, GOVERNOR